

Supreme Court of the
United States

October Term, 2003

HEARING LIST

For the Session Beginning
March 22, 2004

**THE JUSTICES AND THE JUDICIAL CIRCUITS
TO WHICH THEY ARE ASSIGNED**

HON. WILLIAM H. REHNQUIST, Chief Justice, Fourth,
District of Columbia and Federal Circuits.

HON. JOHN PAUL STEVENS, Associate Justice, Sixth
and Seventh Circuits.

HON. SANDRA DAY O'CONNOR, Associate Justice, Ninth
Circuit.

HON. ANTONIN SCALIA, Associate Justice, Fifth Circuit.

HON. ANTHONY M. KENNEDY, Associate Justice, Elev-
enth Circuit.

HON. DAVID H. SOUTER, Associate Justice, First and
Third Circuits.

HON. CLARENCE THOMAS, Associate Justice, Eighth
Circuit.

HON. RUTH BADER GINSBURG, Associate Justice, Sec-
ond Circuit.

HON. STEPHEN BREYER, Associate Justice, Tenth
Circuit.

OFFICERS OF THE COURT

WILLIAM K. SUTER, Clerk.

FRANK D. WAGNER, Reporter of Decisions.

PAMELA TALKIN, Marshal.

JUDITH A. GASKELL, Librarian.

NOTICE TO COUNSEL

1. The Clerk timely informs counsel as to the day counsel must be present for oral argument. The Court convenes at 10 a.m. and each case is usually heard on the date assigned.

2. Counsel scheduled to argue must report to the Lawyers' Lounge between 9:00 and 9:15 a.m. on the day assigned for argument. The Clerk will brief you at that time and provide assistance. Identification cards will be issued to the attorneys authorized to occupy seats at argument tables. Counsel arguing cases *should not* introduce themselves nor introduce co-counsel to the Court at the time of argument. Members of the Court should be addressed by their proper titles—"Chief Justice" or "Justice," as the case may be—and not as "judge."

3. Counsel are expected to take note of time limitations and inquiry should not be made of the Court as to the amount of time remaining. A white light will appear when five minutes remain and a red light when the time has expired. When the Court permits a division of time for argument, the use of more than the agreed time by one attorney does not extend the total time allotted. Counsel should conclude argument promptly when the red light appears unless responding to a question from the Court.

4. During argument counsel should at all times speak into the microphone so that the Justices may hear them and that a clear tape recording can be made. Counsel should also avoid having notes or books touch the microphone since this seriously interferes with the recording process.

5. Counsel in cases to be argued in the afternoon should assemble at the Clerk's desk in the Courtroom when the noon recess begins. An escort will arrange expedited service in the public cafeteria located in the Court building.

6. Appropriate attire for counsel is conservative business dress. If formal attire is worn, it should conform with custom.

WILLIAM K. SUTER, *Clerk.*

HEARING LIST

Monday, March 22, 2004

No. 02–10038. *Robert James Tennard v. Doug Dretke, Director, Texas Department of Criminal Justice, Correctional Institutions Division.*

Certiorari to the C. A. 5th Circuit.

For petitioner: Robert C. Owen, Austin, Tex.

For respondent: Edward L. Marshall, Assistant Attorney General, Austin, Tex.

(1 hour for argument.)

No. 03–5554. *Larry D. Hiibel v. Sixth Judicial District Court of Nevada, Humboldt County, et al.*

Certiorari to the Supreme Court of Nevada.

For petitioner: Robert E. Dolan, Deputy Nevada State Public Defender, Winnemucca, Nev.

For respondents: Conrad Hafen, Senior Deputy Attorney General, Las Vegas, Nev.; and Sri Srinivasan, Assistant to the Solicitor General, Department of Justice, Washington, D. C. (for United States, as *amicus curiae*.)

(1 hour for argument.)

Tuesday, March 23, 2004

No. 02–1632. *Ralph Howard Blakely, Jr. v. Washington.*

Certiorari to the C. A. Washington, Division 3.

For petitioner: Jeffrey L. Fisher, Seattle, Wash.

For respondent: John D. Knodell, Jr., Grant County Prosecuting Attorney, Ephrata, Wash.; and Michael R. Dreeben, Deputy Solicitor General, Department of Justice, Washington, D. C. (for United States, as *amicus curiae*.)

(1 hour for argument.)

No. 02–1845. *Aetna Health Inc., fka Aetna U.S. Healthcare Inc. and Aetna U.S. Healthcare of North Texas Inc. v. Juan Davila*; and

No. 03–83. *CIGNA HealthCare of Texas, Inc., dba CIGNA Corporation v. Ruby R. Calad, et al.*

Certiorari to the C. A. 5th Circuit.

For petitioners: Miguel A. Estrada, Washington, D. C.; and James A. Feldman, Assistant to the Solicitor General, Department of Justice, Washington, D. C. (for United States, as *amicus curiae*.)

For respondents: George P. Young, Fort Worth, Tex.; and David C. Mattax, Assistant Attorney General, Austin, Tex. (for Texas, et al., as *amici curiae*.)

(Consolidated—1 hour for argument.)

Wednesday, March 24, 2004

No. 02–1609. *City of Littleton, Colorado v. Z.J. Gifts D-4, L.L.C., a Limited Liability Company, dba Christal's*.

Certiorari to the C. A. 10th Circuit.

For petitioner: J. Andrew Nathan, Denver, Colo.; and Douglas R. Cole, Ohio State Solicitor, Columbus, Ohio (for Ohio, et al., as *amici curiae*.)

For respondent: Michael W. Gross, Denver, Colo.

(1 hour for argument.)

No. 02–1624. *Elk Grove Unified School District and David W. Gordon, Superintendent v. Michael A. Newdow, et al.*

Certiorari to the C. A. 9th Circuit.

For petitioners: Terence J. Cassidy, Sacramento, Cal.

For respondent United States, in support of petitioners: Theodore B. Olson, Solicitor General, Department of Justice, Washington, D. C.

For respondent Newdow: Michael A. Newdow, Sacramento, Cal. (*Arguing pro-se.*)

(1 hour for argument.)

Monday, March 29, 2004

No. 03–101. *Gale Norton, Secretary of the Interior, et al. v. Southern Utah Wilderness Alliance, et al.*

Certiorari to the C. A. 10th Circuit.

For petitioners: Edwin S. Kneedler, Deputy Solicitor General, Department of Justice, Washington, D. C.

For respondents: Paul M. Smith, Washington, D. C.

(1 hour for argument.)

No. 03–6821. *David L. Nelson v. Donal Campbell, Commissioner, Alabama Department of Corrections, et al.*

Certiorari to the C. A. 11th Circuit.

For petitioner: Bryan Stevenson, Montgomery, Ala.

For respondents: Kevin C. Newsom, Solicitor General, Montgomery, Ala.

(1 hour for argument.)

Tuesday, March 30, 2004

No. 03–6539. *Jay Shawn Johnson v. California.*

Certiorari to the Supreme Court of California.

For petitioner: Stephen B. Bedrick, Oakland, Cal. (*Appointed by this Court.*)

For respondent: Seth K. Schalit, Supervising Deputy Attorney General, San Francisco, Cal.

(1 hour for argument.)

No. 03–339. *Jose Francisco Sosa v. Humberto Alvarez-Machain, et al.*; and

No. 03–485. *United States v. Humberto Alvarez-Machain, et al.*

Certiorari to the C. A. 9th Circuit.

For petitioner United States: Paul D. Clement, Deputy Solicitor General, Department of Justice, Washington, D. C.

For petitioner Sosa: Carter G. Phillips, Washington, D. C.

For respondents: Paul L. Hoffman, Venice, Cal.

(Consolidated—1½ hours for argument.)

Wednesday, March 31, 2004

No. 03-95. *Pennsylvania State Police v. Nancy Drew Suders.*

Certiorari to the C. A. 3rd Circuit.

For petitioner: John G. Knorr, III, Chief Deputy Attorney General, Harrisburg, Penn.; and Irving L. Gornstein, Assistant to the Solicitor General, Department of Justice, Washington, D. C. (for United States, as *amicus curiae*.)

For respondent: Donald A. Bailey, Harrisburg, Pa.
(1 hour for argument.)

No. 03-5165. *Marcus Thornton v. United States.*

Certiorari to the C. A. 4th Circuit.

For petitioner: Frank W. Dunham, Jr., Federal Public Defender for the Eastern District of Virginia, Alexandria, Va.

For respondent: Gregory G. Garre, Assistant to the Solicitor General, Department of Justice, Washington, D. C.

(1 hour for argument.)
